

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DEREK S. THOME, as administrator : **Civil No. 1:20-cv-2167**
of the Estate of Charity L. Thome, :
Deceased, :
: :
Plaintiff, :
: :
v. :
: :
PENNSYLVANIA STATE POLICE :
OFFICER JAY D. SPLAIN et al., :
: :
Defendants. : **Judge Sylvia H. Rambo**

O R D E R

AND NOW, this 27th day of July, 2021, upon consideration of Defendants' motion to dismiss for failure to state a claim (Doc. 16) and in accordance with the accompanying memorandum, **IT IS HEREBY ORDERED** that the motion is **GRANTED** as follows: Count II of Plaintiff's First-Amended Complaint alleging violation of the Fourteenth Amendment based on state-created danger is **DISMISSED** without prejudice to Plaintiff's right to amend his pleading within twenty-one days of the date of this order.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge